

Order of the Commissioner of Police regarding prosecution of motor drivers.

136. **MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): With reference to the assurance made by the Commissioner of Police on the floor of the House on the 28th Karkatakam 1104 viz., "Just after my arrival I issued instructions that cases are not to be prosecuted on the mere uncorroborated evidence of the constabulary. You will find that that order is being carried out", (Page 702 of Vol. XV of the Council Proceedings), will the Government be pleased to state:

(a) the number of cases, prosecuted by the Inspector of Police, Kottar, during Karkatakam 1104, Chingam, Kanni, Tulam and Vrischikam 1105, on the mere uncorroborated evidence of the constabulary;

(b) the names of the motor bus owners against whom such cases were prosecuted and the number of cases against each;

(c) why the Inspector of Police, Kottar, in the face of the order of the Commissioner of Police not to prosecute cases on the mere evidence of the constabulary, indulged in doing so;

(d) the steps, if any, taken by the Commissioner of Police, to see that his above orders are carried out faithfully by his subordinates; and

(e) the action, if any, taken or proposed to be taken in future by the Commissioner of Police against Police officers who are found guilty of gross breaches of discipline in disobeying the express orders of the Commissioner of Police?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): (a) During the months in question the Inspector of Police, Kottar, has not prosecuted any cases under the Motor Vehicles Regulation on the uncorroborated evidence of the constabulary.

(b) and (c) These do not arise in view of the answer to part (a) above.

(d) Inspecting officers will comment on any disobedience in their inspection notes which are perused by the Commissioner.

(e) The Commissioner states that disciplinary action will be taken according to the merits of each case.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member how the term 'uncorroborated evidence of the constabulary' has been understood by the Government in framing the answer to my question?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It is understood in the sense in which it is used.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the words are understood in the way in which they are understood by the law courts of the land?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): Yes, that is in the sense in which they are ordinarily understood.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, may I know whether in the case of a charge supported by a police constable alone and by nobody else, that will form an uncorroborated piece of evidence?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It is a matter of opinion.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No, it is not a matter of opinion. My question is whether the evidence tendered by a Police Constable alone in a case will form uncorroborated piece of evidence?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It may be said so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, may I know with reference to this question whether any charge has been framed by the Kottar Police on the uncorroborated evidence of a police constable?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): The Police Commissioner reports that there is no such case filed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In challenging this answer, may I know what is the action proposed to be taken by Government if the answer ultimately turns out to be incorrect?

PRESIDENT: After you prove that, Government will consider it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Government will be pleased to enquire if any such case is charged by the Kottar police?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If it is found that such cases have been charged, then, may I know what action Government propose to take in the matter?

PRESIDENT: Government cannot answer such hypothetical questions.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to part (d) may I know, Sir, whether the Inspecting Officer's report has been obtained?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It is only a general question. Such things may come to the notice of the Police Commissioner.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Have they been called for by the Police Commissioner when these answers were sent to Government?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): That has to be enquired into. So far as this answer is concerned the presumption is that no such disobedience has been committed by the subordinates of the Police Department.